

## UNITED STATES DISTRICT COURT

Mark CiminiDistrict of Massachusetts

Plaintiff

v.

MassachusettsMargaret Cimini

Defendant

APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF  
FEES AND AFFIDAVIT

CASE NUMBER:

I, Mark Cimini, declare that I am the (check appropriate box) petitioner/plaintiff/movant  other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?  Yes  No (If "No," go to Part 2)

If "Yes," state the place of your incarceration \_\_\_\_\_

Are you employed at the institution? \_\_\_\_\_ Do you receive any payment from the \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed?  Yes  No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

*See IN Forma Pauperis*

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
e. Gifts or inheritances	<input type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

Sec In Forme Pauperis

4. Do you have any cash or checking or savings accounts?

 Yes No

If "Yes," state the total amount. \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value?  Yes  No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

12/31/04

Date

Mark Cimino

Signature of Applicant

**NOTICE TO PRISONER:** A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

District Court of the United States

Mark Cimini

**Case:** No.

97D-4115-DV1

**Petitioner-Appellant**

Vs.

MOTION FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS

Commonwealth of Massachusetts

Respondent -

Appellee,

This is a MOTION BY YOUR PETITIONER FOR LEAVE TO PROCEED IN FORMA  
PAUPERIS in support of the Writ of and other future action at this  
court; from an unjust and unlawful judgment or findings  
disenfranchising me from my own child from the Probate and Family  
Courts of Middlesex County, Supreme Judicial Court, County of  
Middlesex.

Your Petitioner is unable, because of the people of the Commonwealth of Massachusetts, et al., has continually, and maliciously civilly murdered your petitioner in overt violation of law for profit (i.e., federal monies, thereby intentionally leaving him in a state of severe financial hardship. Petitioner is unable because of this extortion and financial hardship to pay court costs, but believes that he is entitled to the redress sought, and as a matter of right and perfect right as his status as a free and sovereign Citizen of

## PAUPERTS

1 Massachusetts and of the United States, obtains substantive due  
 2 process of law as a matter of right and secured liberty<sup>1</sup>. Therefore,  
 3 your petitioner demands leave to proceed on appeal in forma pauperis  
 4 in accordance with Title 28, USC section 1915, and Fed R App P 24 (a).  
 5 This motion is based on the attached affidavit.

6 Petitioner is under extreme duress and coercion by the  
 7 respondents in this matter and is under a constant state of war during  
 8 a profound time of peace in this nation. Respondents act in bad faith  
 9 with unclean hands in direct and overt violation of law and against  
 10 your petitioner's constitutionally secured liberties and substantive  
 11 rights. No previous applications for in forma pauperis status have  
 12 been made to this Court.

14 Dated: December 31, 2004



15 SEAL:

Mark Cimini-AT LAW  
 Pro Se/  
 In Propria Persona, Sui Juris\  
 Non-attorney  
 Middlesex Judicial District  
 12 Maple Road  
 Westford, Massachusetts [01886]  
 (978) 692-4556

24 <sup>1</sup> Massachusetts Constitution, Part the First, Article XI. Every subject of the  
 25 commonwealth ought to find a certain remedy, by having recourse to the laws, for all  
 injuries or wrongs which he may receive in his person, property, or character. He  
 ought to obtain right and justice freely, and **without being obliged to purchase it**;  
 completely, and without any denial; promptly, and without delay; conformably to the  
 laws.

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**SUPREME JUDICIAL COURT OF MASSACHUSETTS**

Mark Cimini

Petitioner-Appellant

vs.

## Commonwealth of Massachusetts

Respondent-Appellee.

**Case:** No. 97D-4115-DV1

**AFFIDAVIT IN SUPPORT OF  
MOTION TO PROCEED ON  
WRIT OF HABEAS CORPUS  
IN FORMA PAUPERIS**

## Commonwealth of Massachusetts

Respondent-Appellee,

I, Mark Cimini; being first duly sworn, depose and say that I am the appellant and petitioner in the above-entitled case; that in support of my writ of Mandamus I believe I am entitled to redress of grievances; and that I have a constitutionally secured liberty to substantive due process as a matter of right and perfect\unailenable right, and open access to the above-entitled court of law; and thereby, I state that because of my severe financial hardships I am unable to reasonably pay the costs of said proceeding therefore; that I believe I am entitled to this reasonable redress; and have a perfect right to substantive due process of law, and that the issues which I desire to present in this matter, are substantiated throughout this document.

For Good Cause having been shown, by your petitioner, in accordance to the law of the Constitution for the Commonwealth of Massachusetts (1780), and the Constitution for the United States

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1 (1787-1791) and that your petitioner and accused and greatly  
2 aggrieved party in this matter, has reasonable, palpable,  
3 constitutional, jurisdictional and substantive due process grounds  
4 for original and appellate review of the legality of the proceedings  
5 and vindication of rights, in the above entitled matter under Writ of  
6 Habeas Corpus review to vindicate my substantive rights as a father  
7 and have my Common Law property returned to me.

8 I, Mark Cimini, being first duly sworn, depose and say that I am  
9 the petitioner in the above entitled matter; that in support of my  
10 motion to proceed on this original equitable action at law, without  
11 being required to prepay fees, costs thereto, I state that because of  
12 my financial hardships, I am unable to pay the costs of said  
13 proceeding without incurring additional financial hardships  
14 therefore; that I believe I am entitled to redress of grievances and  
15 substantive due process of law (which I have so far been denied); and  
16 that the issues which I have framed and will bring up on appeal are  
17 so egregious and palpable to a free nation and in support to the rule  
18 of law, that they are a foundational reasons to grant this motion to  
19 issue said Writ of Mandamus. I desire to present the following  
20 issues on this Writ of Mandamus to wit:

21  
22 I  
23

24 That I, as the true and Common Law father to my child, Jonathan  
25 Cimini, my Common Law property, and I as his father and as lawful  
natural guardian cannot be lawfully denied my children by respondents

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1 or their surrogate courts; or by the unlawful acts and/or omissions  
2 by the County of Middlesex in collusion with the Commonwealth of  
3 Massachusetts in overt conspiracy with Ms. Margaret Cimini,  
4 intentionally forced me into a planned system of slavery, control and  
5 extortion in order for me to support my own destruction under the  
6 guise of "Child Support" and "Best Interest of the Children" and/or  
7 "alimony" by and through respondent's surrogate court systems; rather  
8 than to simply have your petitioner's natural law, the common law  
9 right, and constitutionally protected secured liberty to own, control  
10 and care for my own children, without state intervention in  
11 accordance with both law and reason.

13 **II**

14 The fraudulently applied doctrine of *Parens Patriae*, (state as  
15 the ultimate parent) which is upheld as a religious entity throughout  
16 aforementioned courts statutory scheme under the Commonwealth of  
17 Massachusetts, is an unlawful doctrine at law, that my rights and  
18 liberties as a Common Law sovereign citizen and father are superior  
19 to the state. That my liberty of conscience is superior to the  
20 County of Middlesex, and the Commonwealth of Massachusetts, and  
21 thereby, as Father to my child Jonathan Cimini, my will and authority  
22 and belief's over them are protected by law as Common Law property,  
23 and thereby, I cannot support any system that steals, kidnaps,  
24 inveigle's or restrains my child and lawful property from me, then  
25 demands profit from that unlawful and unclean bad faith act.

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III

That aforementioned courts, and other third parties, both public and private, state agents, agencies and state actors acting in both their personal and professional capacities, are directly or indirectly benefiting from usurping my authority as a father and have taken from me my Common Law property, by their cogent unlawful acts and/or omissions in this matter, and that they have unclean hands, and thereby; cannot profit from the law.

IV

The doctrine of "BEING IN THE BEST INTERESTS OF THE CHILD" is a false doctrine, one not truly administered, but only proffered under overt fraud, bad faith, and unlawfully used to usurp my, and predominately male litigants, natural born, common law and constitutionally secured liberties and/or civil rights to life, liberty and property which I am heir to by right and perfect right. That the County of Middlesex, and/or Commonwealth of Massachusetts has unlawfully used this doctrine unlawfully, overtly for its own benefit, as an ongoing enterprise, to knowingly violate the rights of fathers of which I am, so that they may unlawfully gain direct "Title IV-D" remuneration, and/or other financial or statutory or social engineering benefits and/or scams and/or schemes.

v

That my rights as a free and sovereign Massachusetts Citizen, have been egregiously and violently violated in direct and overt

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1 contradistinction to law, and public policy; that aforementioned  
2 respondents, are arrogantly and insolently violating the law, and/or  
3 the Constitution for the Commonwealth of Massachusetts, for profit;  
4 in order to gain "Title IV-D" and other welfare remuneration scams  
5 and schemes. This is a great detriment to your petitioner, as well  
6 as my children, and as well as the People of the Commonwealth of  
7 Massachusetts who are directly damaged by and through this fraud.  
8

9 **VI**

10 That my substantive due process of law rights were violated from  
11 the inception of this matter when my children were unlawfully taken  
12 from me in overt and direct violation of law, and my considerable  
13 authority; and aforementioned court process, and courts did conspire  
14 to forcibly and intentionally deny me my natural born, Common Law and  
15 Constitutional and civil rights and (Common Law) property rights so  
16 that they could conspire and all gain direct or indirect control  
17 and/or remuneration(s).

18 **VII**

19 I was not lawfully as mandated by constitutional law, informed  
20 of the nature and cause of the accusation against me; the venue, the  
21 jurisdiction and the real party of interest.

22 **VIII**

23 The prosecution, (nor any court) nor any respondent has lawfully  
24 answered my Bill of Particulars of which I lawfully served upon the  
25 County of Middlesex, et al. Said respondents have intentionally kept

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me ignorant of knowing the nature and cause of the proceedings against me and unlawfully forced me to trial thereby. This act and/or omission is a overt violation of the Constitution for the United States 1787-1791, Amendment the Sixth, which mandates that the above entitled court and all its "officers of the court" give full disclosure as to the nature and cause of this action, the venue, the jurisdiction and the real party of interest.

IX

I was never at any time able to confront the real party of interest accuser against me, denying me my rights; even though I mandated that right both by oral and written motion.

x

The County of Middlesex, et als., have overtly conspired and openly and egregiously worked against me and thereby was able to procure an unlawful transfer of Common Law title and/or property of my children.

xi

In order to obtain various sources of monies, the respondents have unlawfully civilly murdered me, and placed me in legal jeopardy without substantive due process of law rights being upheld to me.

XII

That the County of Middlesex, and the Commonwealth of Massachusetts has unlawfully prosecuted a new form of slavery, abhorrent to a free peoples and in direct contradistinction to the concise rule of law.

XIII

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1       That this matter stems upon an illegal and unconscionable  
2 contract and bad faith acts and/or omissions applied against me in  
3 direct violation to my rights and the concise rule of law; and that  
4 in fact, said contract is null and void in ab initio, and  
5 aforementioned prosecution as well as the County of Middlesex has  
6 factually been expunged from this matter as aforesaid matter has been  
7 lawfully been defaulted.

8       I further swear that the responses which I have made to the  
9 questions and instructions below relating to my ability to pay the  
10 cost of prosecuting the appeal are true. I, Mark Cimini, being first  
11 duly sworn, depose and say that I am the petitioner in this matter,  
12 the accused and greatly aggrieved party in this matter; that in  
13 support of my motion to proceed on appeal without being required to  
14 prepay fees, or costs, I state that because of my financial  
15 hardships, I am unable to pay the costs of said and doing so, would  
16 factually be a hardship against me and my family (i.e., 'second  
17 family' consisting of a wife and daughter), therefore; that I believe  
18 I am entitled to redress of grievances which would be a great  
19 hardship to me otherwise; and am allowed substantive due process of  
20 law as a matter of right and perfect right, and open access to the  
21 courts; and that the issues I hereby have framed for appeal, are  
22 palpable and mandate this Motion to Proceed on Appeal In Forma  
23 Pauperis.

24       I further swear that the responses which I have made to the  
25 questions and instructions below relating to my ability to pay the  
cost of prosecuting this Writ of Mandamus are true as the County of  
Middlesex, and/or the Commonwealth of Massachusetts, represented by  
the County of Middlesex, for said respondent Ms. Margaret Cimini in  
full support for respondent's intentions to disenfranchise me under

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1 color of law and under color of authority, have greatly damaged and  
 2 burdened me, and has destroyed me and thereby destroys my children  
 3 and family and are in fact, directly responsible along with his  
 4 surrogate court systems of which respondents depend; and from their  
 5 unlawful acts and/or omissions they have overtly committed against me  
 6 civil murder and a substantial and unlawful disenfranchisement of my  
 substantive rights:

7 1.) I reserve all rights and give up none. Since this fraud being  
 8 perpetrated by the RESPONDENTS, the County of Middlesex,  
 9 and/or the Commonwealth of Massachusetts, is about money, a  
 10 **transfer of wealth scheme**,<sup>2</sup> I can give nobody any information  
 11 in regards to my finances, or property; as anything I say or  
 12 submit may be held against me. I reserve all rights and give  
 13 up none, and maintain my silence as a matter of right under  
 14 substantive due process of law and under both the Amendment  
 15 the Fifth of the Constitution for the united States (1787-  
 16 1791): "No person shall be held to answer for a capital or  
 17 otherwise infamous crime, unless on a presentment or  
 18 indictment of a grand jury, except in cases arising in the  
 19 land or naval forces, or in the militia, when in actual  
 20 service in time of war or public danger; nor shall any person  
 21 be subject for the same offense to be twice put in jeopardy of  
 22 life or limb, nor **shall be compelled in any criminal case to**  
 23 **be a witness against himself**, nor be deprived of life,  
 24 liberty, or property, without due process of law; nor shall  
 25 private property be taken for public use without just  
 compensation."<sup>3</sup>

<sup>2</sup> *United States v. Faasse*, 265 F.3d 475, 482, 490 (6th Cir. 2001). "See e.g. Mich. Comp. Laws Ann. §552.452 (providing payment of support to the office of the Michigan friend of the court). As a result, court-ordered wealth transfers to or from Michigan residents are not per se a fit object of the federal Commerce Power."

<sup>3</sup> Controlling Maxim of Law: "No man is required to participate in his own destruction."

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1 2.) The Massachusetts Constitution, Part the first, Article XI,  
2 "Every subject of the commonwealth ought to find a certain  
3 remedy, by having recourse to the laws, for all injuries or  
4 wrongs which he may receive in his person, property, or  
5 character. He ought **to obtain right and justice freely, and**  
6 **without being obliged to purchase it;** completely, and without  
7 any denial; promptly, and without delay, conformably to the  
laws."

8 3.) That to pay would place a great hardship on me and my family.  
9 4.) That I had been unemployed from April 23<sup>rd</sup>, 2004 till December  
10 6<sup>th</sup>, 2004 and had been living off limited (and now completely  
11 depleted) savings which provided for me, my wife, our  
daughter, and my son.  
12 5.) I have limited funds at my disposal and have the right to  
13 privacy of which those funds go into the care, custody and  
14 upbringing of my child Jonathan Cimini, and Taisya Cimini.  
15 6.) I in fact, have substantial obligations and debt as I am in  
16 fact, a taxpayer of Middlesex County, Massachusetts, and the  
17 United States.  
18 7.) The Commonwealth, after taxes, other court ordered expenses  
19 including health care, and child support, has left me with  
less than 25% of my salary to provide for my family's  
necessities of life.  
20 8.) My children Jonathan Cimini, and Taisya Cimini are dependent  
21 on my support as I am the father of my children and any  
22 hardship will accrue to me, will affect them as my financing  
23 of my own destruction will diminish my presence in their life  
by forced payments into this proceeding.

24

25

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1 I understand that a false statement or answer to any question in  
2 this affidavit will subject me to penalties of perjury as I know them  
3 by the laws of the Commonwealth of Massachusetts.

4 Dated: December 31st, 2004

5 SEAL:

Mark Cimini

6 Mark Cimini--AT LAW  
7 Pro Se/In Propria Persona, Sui Juris/  
8 non-attorney  
9 Middlesex Judicial District  
10 12 Maple Road  
11 Westford, Massachusetts [01886]  
12 (978) 692-4556

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